

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

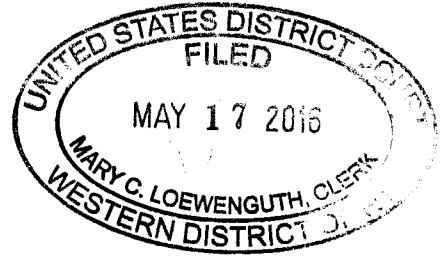
UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JAMES EDWARD SANDFORD,

Defendant.



DECISION & ORDER

15-CR-6101

Defendant James Edward Sandford ("Sandford"), then proceeding pro se, filed a motion seeking to dismiss Count 6 of the original Indictment (Dkt. #104). Pretrial motions have been referred to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b).

Magistrate Judge Payson issued a Report and Recommendation (Dkt. #118) recommending that Sandford's motion be dismissed on procedural as well as substantive grounds.

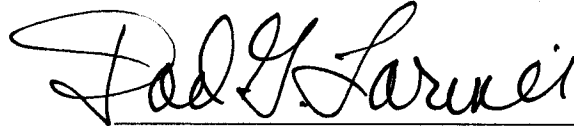
Sandford is now represented by attorney Matthew D. Nafus, Esq., and by letter dated May 2, 2016, Mr. Nafus advised this Court that he would not be submitting objections to the Report and Recommendation.

I have reviewed Magistrate Judge Payson's Report and Recommendation and see no reason to alter, modify or reject the recommendation. The motion to dismiss is properly denied for the procedural reasons set forth by Magistrate Judge Payson and, in addition, on the merits. There is no basis for the relief requested and the motion should be denied.

CONCLUSION

I adopt and accept the Report and Recommendation (Dkt. #118) of United States Magistrate Judge Marian W. Payson. The pro se motion of defendant James Edward Sandford (Dkt. #104) is in all respects denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer". The signature is written in a cursive style with a large, stylized "D" and "L".

HON. DAVID G. LARIMER
United States District Judge

Dated: May 16, 2016
Rochester, New York